

TENTATIVE ATTACHMENT B

ORDER NO. R5-2005-____
INDIVIDUAL DISCHARGER CONDITIONAL WAIVER
OF
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS

PURSUANT TO
CALIFORNIA WATER CODE SECTION 13269

Attachment B to Order No. R5-2005-____ constitutes the *Individual Discharger Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands* (Individual Discharger Conditional Waiver). The Individual Discharger Conditional Waiver conditionally waives waste discharge requirements (WDRs) and reports of waste discharge for discharges [of waste](#) from irrigated lands to surface waters within the Central Valley Region. The Individual Discharger Conditional Waiver establishes conditions with which Dischargers and/or Water Districts must comply to obtain coverage under and to be considered in compliance with the Individual Discharger Conditional Waiver. Order No. R5-2005-____ defines “discharges [of waste](#) from irrigated lands” as including [waste in](#) surface discharges (also known as irrigation return flows or tailwater), operational spills, subsurface discharges through drainage systems that lower the water table below irrigated lands (also known as tile drains), and stormwater runoff flowing from irrigated lands.

Dischargers shall comply with the following conditions:

A. General

1. Dischargers shall comply with all conditions of the Individual Discharger Conditional Waiver, including timely submittal of all technical reports specified in **Part B. Technical Reports**. Violations may result in enforcement action under the California Water Code (Water Code), including Central Valley Water Board orders, the imposition of civil liability, cessation of coverage under the Individual Discharger Conditional Waiver, or referral to the Attorney General.
2. The reports submitted to comply with the Individual Discharger Conditional Waiver shall be signed by a representative authorized by the Discharger or Water District.
3. Any person signing a report submitted as required by the Individual Discharger Conditional Waiver makes the following certification:

“ I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment for violations.”

4. Dischargers shall comply with Individual Discharger Monitoring and Reporting Program No. R5-2003-0827, [5-_____](#) or [Water District Monitoring and Reporting Program No. R5-2005-_____](#),

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which is required by the Individual Discharger Conditional Waiver, or as revised by the Executive Officer.

5. For the purposes of the Individual Discharger Conditional Waiver, an “exceedance” is a reading using a field instrument or a detection by a California State-certified analytical laboratory where the detected result is above the receiving water limitation for the parameter or constituent. Receiving water limitations implement the appropriate Basin Plan’s numeric and narrative water quality objectives. An exceedance also is a California State-certified laboratory analytical result reported as non-detect when the reporting limit is higher than the receiving water limitationpractical quantitation limit for the parameter or constituent. A table listing receiving water limitations, which may be revised periodically, is provided in Attachment A. For toxicity tests, an exceedance is a result that is statistically different from the control sample test result. Attachment A provides a list of receiving water limitations.
6. Dischargers shall implement management practices to improve and protect water quality and to achieve compliance with applicable receiving water limitations identified in **Attachment A**.
7. Dischargers shall not discharge any waste not specifically regulated by the Individual Discharger Conditional Waiver, cause new discharges of wastes from irrigated lands that impair surface water quality, or increase discharges of waste or add new wastes that impair surface water quality not previously discharged by the Discharger. Waste specifically regulated by the Individual Discharger Conditional Waiver includes earthen materials, such as soil, silt, sand, clay, and rock; inorganic materials, such as metals, salts, boron, selenium, potassium, nitrogen, etc.; and organic materials, such as organic pesticides, that enter or threaten to enter into waters of the State. Examples of waste not regulated by the Individual Discharger Conditional Waiver include hazardous waste and human waste.
8. The Central Valley Water Board staff may investigate the property of persons subject to the Individual Discharger Conditional Waiver pursuant to Water Code Section 13267(c) to ascertain whether the purposes of the Porter-Cologne Water Quality Control Act are being met and whether the conditions of the Individual Discharger Conditional Waiver are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with Section 1822.50). In the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.
9. Dischargers shall take all reasonable steps to prevent any discharge in violation of the Individual Discharger Conditional Waiver.
10. Dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system, including management practices and monitoring devices installed or used to achieve compliance with the Individual Discharger Conditional Waiver.
11. The discharge of any waste not specifically regulated by the Individual Discharger Conditional Waiver described herein is prohibited unless the Discharger complies with Water Code Section

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13260(a) and the Central Valley Water Board either issues WDRs pursuant to Water Code Section 13263 or an individual waiver pursuant to Water Code Section 13269 or the time frames specified in Water Code Section 13264(a) have elapsed.

B. Technical Reports

1. A Discharger seeking to discharge under the Individual Discharger Conditional Waiver shall submit a completed Notice of Intent (NOI), which is included at the end of this Attachment.
 - a. If the Discharger will not be signing the reports, the NOI shall identify the representative authorized to sign reports submitted on behalf of the Discharger.
 - b. The NOI shall identify the owner/operator, farm location, the key contact(s).
 - c. The NOI shall include a description of nearby surface waters as required in the Individual Discharger Conditional Waiver and a commitment to satisfy the conditions of the Individual Discharger Conditional Waiver.
 - d. The NOI shall provide a detailed map of the farm area. The map(s) shall identify the points where wastes as described in the Individual Discharger Conditional Waiver are discharged from irrigated lands to surface waters and are to be covered under the Individual Discharger Conditional Waiver.
 - e. The NOI shall identify and discuss the following: crops commonly grown; chemicals (pesticides, fertilizers, etc.) commonly applied in a manner that may result in the material coming in contact with irrigation water or stormwater; management practices utilized to reduce or eliminate the discharges of wastes to surface water which may impair water quality; names of water bodies receiving the discharge(s); details of any subsurface drainage collection system, and other information as requested by the Executive Officer.
2. Upon submittal of a complete NOI and approval of the NOI, the Executive Officer may issue a Notice of Applicability (NOA) to extend coverage to the Discharger or Water District under the Individual Discharger Conditional Waiver.
3. Each Discharger that receives a NOA shall submit and implement a MRP Plan as specified in Individual Discharger Monitoring and Reporting Program Order No. R5-2003-0827, ~~5 _____ or Water District Monitoring and Reporting Program Order No. R5-2005 _____~~, which is part of the Individual Discharger Conditional Waiver, or as revised by the Executive Officer. The purposes of the MRP Plan include, but are not limited to, the following: 1) to determine whether the discharge of waste from irrigated lands causes or contributes to exceedances of receiving water limitations or causes nuisance; 2) to provide information about the farm or Water District, including but not limited to, land use, crops grown, chemicals used, etc. 3) to monitor the effectiveness of management practices implemented following exceedances of water quality objectives in meeting receiving water limitations; and 4) to specify details about monitoring periods, parameters, protocols, and quality assurance.

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4. Each Discharger that receives a NOA shall submit technical reports as specified in Individual Discharger Monitoring and Reporting Program Order No. R5-2003-0827, ~~5 _____ or Water District Monitoring and Reporting Program Order No. R5-2005 _____~~, which is part of the Individual Discharger Conditional Waiver, or as revised by the Executive Officer.
5. If a Discharger wishes to terminate coverage under the Individual Discharger Conditional Waiver, the Discharger shall submit a complete Notice of Termination (NOT). The NOT form is included at the end of this Attachment B. Termination from coverage will occur on the date specified in the NOT, unless specified otherwise. All discharges shall cease before the date of termination, and any discharges on or after this date shall be considered in violation of the Individual Discharger Conditional Waiver, unless other Waivers of WDRs, General WDRs, or individual WDRs cover the discharge.
6. Upon a determination by either the Discharger that a discharge is causing or contributing to an exceedance of a receiving water limitation listed in Attachment A of the Order, the Discharger shall promptly notify the Central Valley Water Board in writing. Based on this information or other information available to the Central Valley Water Board, the Discharger shall, upon written notice by the Central Valley Water Board Executive Officer, submit a technical report called a Management Plan to the Central Valley Water Board as follows:
 - a. The Management Plan shall evaluate the effectiveness of existing management practices in achieving receiving water limitations and identify additional actions, including different or additional management practice implementation, the Discharger proposes to implement to achieve receiving water limitations.
 - b. The Management Plan shall include a waste specific monitoring plan and an implementation schedule to address the exceedance.
 - c. The Discharger shall submit any modifications to the Management Plan required by the Central Valley Water Board and address the Central Valley Water Board's comments within 30 days of written notification unless otherwise directed by the Executive Officer.
 - d. The Discharger shall make the Management Plan available to the public upon written request. The Central Valley Water Board may provide the public an opportunity to review and comment on submitted Management Plans.
7. All materials submitted pursuant to the Individual Discharger Conditional Waiver shall be available for public inspection at the Central Valley Water Board offices, except for reports, or portions of such reports, subject to an exemption from public disclosure in accordance with California law and regulations, including trade secrets and secret processes under Water Code Section 13267(b)(2), and the Public Records Act. NOIs shall generally not be considered confidential. If the Discharger asserts that all or a portion of a report is subject to an exemption from public disclosure, the Discharger must clearly indicate on the cover of the Report that the Discharger asserts that all or a portion of the report is exempt from public disclosure, submit a

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complete report with those portions that are asserted to be exempt in redacted form, submit separately-bound unredacted pages (to be maintained separately by staff), and provide an explanation of how those portions of the reports are exempt from public disclosure. The Central Valley Water Board staff shall determine whether any such report or portion of a report qualifies for an exemption from public disclosure. If the Central Valley Water Board staff disagrees with the asserted exemption from public disclosure, the Central Valley Water Board staff shall notify the Discharger prior to making such report or portions of such report available for public inspection.

8. All technical reports submitted pursuant to the Individual Discharger Conditional Waiver are required pursuant to Water Code Section 13267. Failure to submit technical reports in accordance with schedules established by the Individual Discharger Conditional Waiver and/or the attachments to the Individual Discharger Conditional Waiver, or failure to submit a complete technical report (e.g., of sufficient technical quality to be acceptable to the Executive Officer), may subject the Discharger to enforcement action pursuant to Water Code Section 13268.

C. Receiving Water Limitations

1. Receiving water limitations are based upon water quality objectives contained in Basin Plans. As such, the limitations provided in Attachment A of the Order and water quality objectives in the Basin Plans are a required part of the Individual Discharger Conditional Waiver. In addition to the receiving water limitations listed in Table 1 [of Attachment A](#), Dischargers shall not cause:
 - a. Deposition of material that causes nuisance or adversely affects beneficial uses.
 - b. Taste or odor-producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses.
 - ~~c. Radionuclides to be present in concentrations that exceed maximum contaminant levels specified in the California Code of Regulations, Title 22; that harm human, plant, animal or aquatic life; or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.~~
 - d. Aquatic communities and populations, including vertebrate, invertebrate, and plant species, to be degraded.
 - e. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.
 - f. Violation of any applicable water quality objective in the Central Valley Water Board's Basin Plans or any water quality standard for receiving waters adopted by the Central Valley Water Board or the State Water Board pursuant to the Clean Water Act and regulations adopted thereunder.
2. Dischargers shall comply with receiving water limitations. Dischargers shall, through timely implementation of management practices, reduce wastes in the discharges in accordance with the conditions of the Individual Discharger Conditional Waiver, including any modifications. Management practices shall be designed to improve [water quality](#) and achieve compliance with

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receiving water limitations, to protect water quality, and to prevent nuisance. If exceedance(s) of receiving water limitations persist notwithstanding implementation of management practices and other requirements of the Individual Discharger Conditional Waiver, the Discharger shall submit a Management Plan as specified in **Part B. Technical Reports** of the Individual Discharger Conditional Waiver.

D. Time Schedule

Pursuant to Water Code Section 13267, the following technical reports are required to be submitted to the Central Valley Water Board, as directed by the Executive Officer, as a condition of the Individual Discharger Conditional Waiver.

Task

Compliance Date

MRP Plan

30-150 days after filing of NOI

Wet Season Monitoring Report as required by the Individual Discharger MRP Order No. R5-2003-08275-____ and ~~Water District MRP Order No. R5-2005-____~~

30 June of each year

Irrigation Season Monitoring Report as required by the Individual Discharger MRP Order No. R5-2003-08275-____ or ~~Water District MRP Order No. R5-2005-____~~

31 December of each year

Management Plan

As required by the Executive Officer

E. Fees

Each member of a Coalition Group, or the Coalition Group on behalf of its members, shall pay a fee to the State Water Resources Control Board in compliance with the fee schedule contained in Title 23 California Code of Regulations.

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**NOTICE OF INTENT
TO COMPLY WITH**

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FOR
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1. TYPE OF DISCHARGE

<input type="checkbox"/> Farm > 200 acres	<input type="checkbox"/> Nursery > 10 acres
<input type="checkbox"/> Farm ≤ 200 acres	<input type="checkbox"/> Nursery ≤ 10 acres
<input type="checkbox"/> Organic Farm > 500 acres	<input type="checkbox"/> Farm that discharge only stormwater
<input type="checkbox"/> Organic Farm ≤ 500 acres	<input type="checkbox"/> District which have operational spills and/or other discharges to surface water
<input type="checkbox"/> Managed Wetlands	<input type="checkbox"/> Other:

2. REASON(S) FOR FILING

<input type="checkbox"/> New Discharge or Farm/Facility	<input type="checkbox"/> Changes in Ownership/Operator
<input type="checkbox"/> Existing Farm/Facility	
<input type="checkbox"/> Expansion	<input type="checkbox"/> Other:

3. FACILITY INFORMATION

Type of Irrigated Land	<input type="checkbox"/> Managed Wetland
<input type="checkbox"/> Row Crops	<input type="checkbox"/> Nursery
<input type="checkbox"/> Orchard	<input type="checkbox"/> Other (please describe):
<input type="checkbox"/> Irrigated Pasture	
Acreage of Irrigated Lands:	
Source Water Supply:	Estimated Water Usage:
	Average: _____ Maximum: _____
Other Information:	

4. ADDITIONAL INFORMATION

Please attach the following information to this NOI:

1. A site map, which shows the boundaries of the individual Discharger's farm/facility and identifies surface watercourses within 1,000 feet of the farm.
2. Use the space below, or attach additional sheets, to explain any response that needs clarification.

5. CERTIFICATION

<p>I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.</p>	
Print Name: _____	Title: _____
Signature: _____	Date: _____

**NOTICE OF TERMINATION
TO COMPLY WITH
ORDER NO. R5-2005-_____
INDIVIDUAL DISCHARGER CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS**

This document is only to be used for Individual Dischargers that have been issued a Notice of Applicability (NOA) by the Executive Officer. Submission of this Notice of Termination constitutes official notification to the Regional Board that the Individual Discharger identified below elects not be covered under Order No. R5-2005-_____, Individual Discharger Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands.

1. COALITION GROUP INFORMATION¹

Watershed:				
Coalition Group Representative:				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

¹ The Coalition Group representative's information shall be included in the above information box. A **Membership Document** shall be included with this NOT. This membership document shall provide information for each individual Discharger including the owner/operator, farm assessor parcel number(s), Section, Township and Range and closest downstream surface water body. A farm includes lands where water is applied for the purpose of producing crops and includes commercial nurseries, nursery stock production, managed wetlands and rice production.

2. INDIVIDUAL DISCHARGER INFORMATION

Discharger Name:				
Facility Name: ²				
Physical Address:				
City/Locale:	County:	State:	Zip:	
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

² Facilities include lands where water is applied for the purpose of producing crops and includes commercial nurseries, nursery stock production, managed wetlands and rice production.

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3. LOCATION OF FACILITY

Assessor's Parcel #:	Closest Surface Water: (e.g. Sacramento River)
Township/Range/Section:	
T ____ R ____ S ____ B&M	

4. REASON FOR TERMINATION

<input type="checkbox"/> Coalition Group no longer functioning under the Coalition Group Conditional Waiver	<input type="checkbox"/> Farm has been sold
<input type="checkbox"/> Farm no longer discharging in a manner which is subject to the Conditional Waiver	<input type="checkbox"/> Closed Farm
	<input type="checkbox"/> Other: Provide Comments _____

5. CERTIFICATION

<p>I certify under penalty of law that (1) I am not required to be covered under the Conditional Waiver of Waste Discharge Requirements For Discharges From Irrigated Lands Within The Central Valley Region, and (2) this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I also understand that submittal of this Notice of Termination does not release a facility from liability for any violations of the Conditional Waiver.</p>	
Print Name: _____	Title: _____
Signature: _____	Date: _____

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